

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

VLSI TECHNOLOGY LLC,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Lead Case: 1:19-cv-977-ADA

Nos. 6:19-cv-255-ADA, 6:19-cv-256-ADA

*(Consolidated for pretrial purposes only
with 6:19-cv-254-ADA)*

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF VLSI
TECHNOLOGY LLC'S OPPOSED MOTION TO TRANSFER REMAINING CASES
BACK TO WACO PURSUANT TO 28 U.S.C. § 1404(a)**

On December 31, 2020, the Court granted Plaintiff VLSI Technology LLC's ("VLSI") motion to transfer the lead case between the parties back to the Waco division. D.I. 408 at 11. The Court found that the indefinite closure of the Austin courthouse due to COVID-19 was an unanticipatable event that frustrated the purpose of the Court's prior order transferring the three related cases between the parties from Waco to Austin, and that under the facts and circumstances now presented before the Court, the interests of justice and the convenience of the parties and witnesses favor moving the lead case set for trial in February back to Waco. *Id.* at 10-11. Since the Court made those findings, the COVID-19 infection rate in Waco has improved materially, while the Austin courthouse closure has been extended and the Austin courthouse remains closed indefinitely for trials. In addition, since the Court transferred the lead case back to Waco, the Court and the parties have invested significant time

and resources in developing and implementing COVID-19 safety protocols at the Waco courthouse.

VLSI has now moved the Court to transfer the two related cases back to Waco as well. The first of those cases is set for trial on April 12. The second is set for trial on June 7. D.I. 427. Having read and considered the parties' submissions and the record in this case, the Court now finds that the factors the Court considered and applied in re-transferring the lead case to Waco apply equally strongly in favor of transferring the first of these two related cases back to Waco. The Court's prior findings regarding this issue are incorporated herein by reference. D.I. 408. Accordingly, the Court finds that VLSI's motion is well taken and should be granted in part and denied in part. After considering and applying the *Cragar* decision and the *Volkswagen II* factors to the facts and circumstances presented here, the public interest and the convenience of the parties and witnesses will be served by transferring the first action (-255) back to the Waco division, where it was originally filed. The Court will address re-transferring the final case (-256) as the trial date approaches and the Austin Courthouse has an opportunity to reopen. It is, therefore,

ORDERED that VLSI's Opposed Motion To Transfer Remaining Cases Back To Waco Pursuant To 28 U.S.C. § 1404(a) is hereby GRANTED IN PART AND DENIED IN PART.

SIGNED this 28th day of March, 2021.


ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE